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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,840	10/29/2003	Takayuki Yajima	848075-0059	7845
29619	7590	11/21/2006	EXAMINER	
SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022			SABOURI, MAZDA	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,840

Applicant(s)

YAJIMA, TAKAYUKI

Examiner

Mazda Sabouri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is/are objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed on 9/11/2006, with respect to the rejection(s) of claim(s) 1-14 under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new art.

Claim Objections

2. **Claims 1 and 7** objected to because of the following informalities: Claim 1 recites the terms "openably" and "closably". It is the examiner's belief that these are not real words. Claim 7 recites the term "rotatably". It is the examiner's belief that this is not a real word either. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-11,13 and 14** rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0064758 (Mizuta et al.).

5. **As to claim 1**, Mizuta teaches a portable terminal unit (500b, fig 13D)

comprising:

- a. A first housing (100, fig 13B) having at least a main operating section (102, fig 4A).
- b. A second housing (200, fig 13B) having at least a display section (202, fig 13B).
- c. Wherein both of said housing are openably and closably coupled together so that the main operation section is covered with said second housing in a closed state (fig 13D) and is exposed outside in an opened state (fig 13B), and said display section is exposed outside in both of the closed and opened state.
- d. An auxiliary operation section (202t, fig 13D) comprising at least on key (touch panel reads on a key, as there are switches inherently located underneath the display to respond to user actuation of the screen) provided on other surface than surfaces, which are opposed to each other of said both housings in the closed state.
- e. Wherein said auxiliary operation section is inoperative at least in the opened state but operative in the closed state (upper part touch screen becomes deactivated in the open state of figure 13B) (see Mizuta, paragraphs 150-157).

6. **As to claim 7**, Mizuta teaches a portable terminal unit (500b, fig 13D)

comprising:

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- f. A first housing (100, fig 13B) having at least a main operating section (102, fig 4A).
 - g. A second housing (200, fig 13B) subjected to be superimposed on said first housing so as to cover the main operating section (see fig 13D).
 - h. A coupling section (300, fig 13C) for rotatably coupling both of said housings that relatively rotate around an axis extending in a superimposed direction of said two housings.
 - i. An auxiliary operation section (202t, fig 13D) comprising at least on key (touch panel reads on a key, as there are switches inherently located underneath the display to respond to user actuation of the screen) provided on other surface than surfaces, which are opposed to each other of said both housings in the closed state (fig 13D).
 - j. Wherein at least one key is inoperative at least in the opened state (fig 13B) but operative in the closed state (upper part touch screen becomes deactivated in the open state of figure 13B) where the both of said housing relatively rotate 180 degrees from the closed state (see Mizuta, paragraphs 150-157).
7. **As to claims 2 and 8, Mizuta further teaches:**
- k. A state detecting section (113, fig 6) for detecting the opened/closed state of said first housing and second housing (see Mizuta, paragraph 156).

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- I. A lock control section (208, fig 6) for rendering said auxiliary operation section (or at least one key) operative or inoperative based on a detection result from the state detecting section (see Mizuta, paragraph 153).
8. **As to claims 3 and 9**, Mizuta further teaches:
 - m. Wherein said auxiliary operation section (or at least one key) is operative by said lock control section when said state detecting section detects that both of said housings are in the closed state.
 - n. Said auxiliary operation section (or at least one key) is inoperative by said lock control section when said detecting section detects that both of said housings are in other states than the closed state (only in the closed state of figure 13D is the entire touch panel activated) (see Mizuta, paragraphs 153 and 156).
9. **As to claims 4 and 10**, Mizuta further teaches:
 - o. Wherein said auxiliary operation section (or at least one key) is inoperative by said lock control section when said state detecting section detects that both of said housings are in the opened state.
 - p. Said auxiliary operation section (or at least one key) is operative by said lock control section when said detecting section detects that both of said housings are in other states than the opened state (the side part of the touch panel becomes activated, as shown in figure 13C, when the device rotates from the opened state of figure 13B) (see Mizuta, paragraphs 153 and 156).

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10. **As to claims 5 and 13**, Mizuta further teaches wherein said portable terminal unit is a mobile radiotelephone (see Mizuta, paragraph 160).

11. **As to claims 6 and 14**, Mizuta further teaches wherein said portable terminal unit is a PDA (see Mizuta, paragraph 160).

12. **As to claim 11**, Mizuta further teaches wherein the second housing has a display section (202, fig 13B) on its surface faced in the same direction as a direction having said main operation section (see Mizuta, figure 13B).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. **Claim 12** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 5493690 (Shimazaki) and further in view of US 6094565 (Alberth et al.).

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16. **As to claim 12**, what is lacking is the auxiliary operation section having a key on a side surface of the first housing and the second housing. Alberth teaches having a key (208, fig 2) on the side surface of the first housing (see Alberth, figures 1 and 2). Shimazaki teaches having a key (13, fig 1b) on the side surface of the second housing (see Shimazaki, figures 1a and 1b). Motivation for using these teachings can be found in Mizuta. Mizuta teaches an auxiliary operating section (202t, fig 13D) that is superimposed on the display section (202, fig 13D) (see Mizuta, figure 13D). The teachings of Alberth and Shimazaki help to free up room on the display section by having keys on the side surfaces of the portable terminal unit. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Alberth and Shimazaki in those of Mizuta, for the reasons mentioned above.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2002/0061770 (Ozaki) teaches an opening/closing type portable information terminal. US 6466202 (Suso et al.) teaches an information terminal unit. US 2004/0127262 (Ohno) teaches a cellular telephone. US 6850784 (SanGiovanni) teaches a modular two-body design for integration of mobile computing device features with a wireless communication device. US 2002/0037754 (Hama et al.) teaches a folding communication terminal having two displays.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mazda Sabouri whose telephone number is 571-272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 561-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mazda Sabouri
Examiner
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M.S.



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